



COUNTY OF KAUAI

News Release

For Immediate Release: September 28, 2018

Explanation for proposed charter amendments available online

LĪHU'E – Kaua'i voters will have the opportunity to decide on six proposed charter amendments in the coming general election.

To assist voters with making informed decisions, the Charter Review Commission has provided background information and the purpose of each proposal. To review all proposed changes to the Charter, please go to www.kauai.gov/Charter or contact the Office of Boards and Commissions at 241-4917 or the Elections Division at 241-4800 or 241-4924 (V/TRS), Monday-Friday, between 7:45 a.m. and 4:30 p.m.

In addition to the proposed charter amendments, two questions relating to the Hawai'i State Constitution will appear on the ballot, which includes one proposed amendment.

For more information about the constitutional questions, please contact the State of Hawai'i Office of Elections at <https://elections.hawaii.gov/>.

Amendments to The Charter of the County of Kaua'i November 6, 2018 General Election

Pursuant to Hawai'i Revised Statutes §50-11 and Article XXIV, Section 24.03, of The Charter of the County of Kaua'i, the **Kaua'i Charter Review Commission** is publishing the following Proposed Amendments to The Charter of the County of Kaua'i, which the Commission has approved for inclusion on the 2018 general election ballot.

1. **SHALL THE CHARTER BE AMENDED BY REPEALING ARTICLE IX, PUBLIC DEFENDER, AS THIS FUNCTION IS ALREADY PROVIDED BY THE STATE?**

Purpose: The Public Defender section of the Kaua'i County Charter was rendered obsolete when the State Constitution in 1968 mandated that the State provide counsel to indigent defendants and when the State Legislature in 1971 established

the State Office of the Public Defender. This amendment would therefore remove an outdated and unnecessary article from the Charter.

Background: In 1971 the State established an Office of the Public Defender and a statewide system for the appointment of legal counsel as required under the law. As such, the County Council has never found it necessary to establish a County Public Defender by ordinance.

2. SHALL THE CHARTER BE AMENDED BY REPEALING ARTICLE XXX, WHICH EMPOWERS THE COUNCIL TO CREATE AN ELECTRIC POWER AUTHORITY BY ORDINANCE?

Purpose: The purpose of this amendment is to remove the article empowering the Council to establish an electric power authority by ordinance, since the Kaua'i Island Utility Cooperative has competently managed and operated Kaua'i's electrical power system, and delivered electrical power to Kaua'i in an economically viable manner, for more than a decade and a half.

Background: Article XXX was approved by the voters in the 2002 general election. The County Council proposed Article XXX as a Charter amendment in response to the proposed sale of Kaua'i Electric Company to the Kaua'i Island Utility Cooperative (KIUC). Article XXX empowered the County to intercede in the event that the sale of Kaua'i Electric to KIUC collapsed, or if KIUC had problems in providing electrical services. In September of 2002, the Hawai'i Public Utilities Commission (PUC) approved the sale of Kaua'i Electric to KIUC. Since 2002, KIUC, Hawai'i's only member owned electrical cooperative, has managed and operated the electrical power system on Kaua'i.

3. SHALL ARTICLE XIV, PLANNING DEPARTMENT, SECTIONS 14.01, 14.03, 14.12, 14.13, AND 14.14 BE AMENDED BY REMOVING ALL REFERENCES TO THE ZONING BOARD OF APPEALS?

Purpose: The County has been unable to find volunteers willing to sit on the Zoning Board of Appeals due to the significant time commitment required. Accordingly, this amendment would eliminate the Zoning Board of Appeals.

Background: The Zoning Board of Appeals was created in the 2016 general election with the expectation that it would reduce or eliminate the expense of hiring hearings officers to conduct appeals from decisions of the Planning Department. However, the Zoning Board of Appeals has proven difficult to enact. It would require seven volunteers to work approximately 16-25 hours weekly and the County has been unable to recruit capable volunteers willing to make such a time commitment. Thus, the Zoning Board of Appeals has never been seated.

4. SHALL ARTICLE XIX, FINANCIAL PROCEDURES, SECTION 19.15(C) BE AMENDED TO PERMIT THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND TO INCLUDE IMPROVEMENTS?

Purpose: Currently the Public Access, Open Space, Natural Resources Preservation Fund may only be used for the acquisition of land or property entitlements for conservation purposes. This amendment would expand the permissible uses of the fund to include paying for improvements to lands or entitlements acquired by the fund, and to improving existing public beach accesses.

Background: The Public Access, Open Space, Natural Resources Preservation Fund was established by the voters in 2002 to fund the acquisition of land and public easements for land conservation purposes. Conservation purposes include acquisitions for beach and mountain public accesses, the preservation of historic and culturally important areas, the protection of significant habitat or ecosystem, protecting watersheds, conserving land to reduce natural hazards, and improving access to public lands for the disabled. It is the duty of the Open Space Commission to provide an annual recommendation to the County Council regarding lands or entitlements proposed for acquisition. Since the acquisition of land or public easements may require significant expense to improve the acquired land or easement, the Council has in the past refrained from acquiring properties identified by the Open Space Commission due to the expected financial burden of paying for such improvements. This amendment would allow the fund to also be used to improve lands or easements acquired with the fund, and to improve existing public beach accesses, but would not authorize use of the fund proceeds for regular maintenance.

5. **SHALL ARTICLE XXIX, SALARY COMMISSION, SECTIONS 29.01 AND 29.03 BE AMENDED TO GIVE THE SALARY COMMISSION AUTHORITY TO ESTABLISH THE MAXIMUM SALARIES OF ALL ELECTED AND APPOINTED OFFICIALS, AND TO ADD THE DIRECTOR OF HUMAN RESOURCES AND THE DIRECTOR OF FINANCE AS EX-OFFICIO, NON-VOTING MEMBERS OF THE COMMISSION?**

Purpose: This amendment eliminates the County Council's authority to reject all or part of the Salary Commission's annual salary resolution thereby giving the Commission sole authority to set the maximum salaries of elected and appointed officials. It also makes the Director of Human Resources and the Director of Finance advisory members of the Salary Commission.

Background: Under the current charter, the Salary Commission is charged with submitting an annual resolution to the Mayor and Council establishing the maximum salaries of all elected and appointed county officers. The Charter, however, permits the Mayor or relevant department head to set the actual salary of any appointee at a figure lower than the maximum established by the Salary Commission, and authorizes the County Council to reject the Salary Commission's entire resolution or any part of it. This permits the County Council to pick and choose which appointees in the executive branch of government may receive salary adjustments. This amendment would eliminate the County Council's veto power over the Salary Commission's annual resolution, while retaining the right of the Mayor and department heads to set actual salaries at less than the maximum. Any change in County Council salaries would still only take effect in the next Council term. This amendment would also add the Director of Human Resources and the Director of

Finance to the existing seven-member Salary Commission as ex-officio, non-voting members to provide information on subject-matter and cost matters.

Pursuant to Hawai'i Revised Statutes §50-11 and Article XXIV, Section 24.02, of The Charter of the County of Kaua'i, the **Kaua'i County Council** is publishing the following Proposed Amendment to The Charter of the County of Kaua'i, which the County Council has approved for inclusion on the 2018 general election ballot.

1. **SHALL THE TERM LIMIT OF OFFICE FOR COUNCILMEMBERS BE REMOVED?**

Purpose: This amendment eliminates the term limitation for the office of Councilmember.

Background: In the 2006 general election, the electorate approved a Charter amendment establishing term limits for the office of Councilmember of no more than four consecutive two year terms.

<p>To review all proposed changes to the Charter, please go to www.kauai.gov/Charter or contact the Office of Boards and Commissions at 241-4917 or the Elections Division at 241-4800 or 241-4924 (V/TRS), Monday-Friday, between 7:45 a.m. and 4:30 p.m.</p>

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